re-inventing the cultural wheel:

re-conceptualizing restorative justice and
peace building in ethnically divided Fiji

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Introduction

Political tension in Fiji oscillates in a complex way between two levels of political engagement. The first of these is the level of inter-communal relations, especially between indigenous Fijians and Indo-Fijians. The second is the level of intracommunal intercourse, often reflected in conflict within a community itself. Continuous interplay between these two levels of conflict re-defines the political configuration of Fiji's socio-political terrain in a dynamic way. This chapter is only concerned with inter-ethnic conflict, its various manifestations and in exploring new possibilities for conflict resolution. Inter-ethnic conflict has become a part of the 'normal' political culture in Fiji with the potential to erupt into overt violence and poses a direct threat to stability and national security, as we saw during the May 1987 and May 2000 coups.

Since May 2000 conflict management has been limited to two opposing processes. The first is the deployment of legal justice and the second is the use of nation-wide reconciliation. To the members of the deposed Labour Coalition government, seeking legal redress through the courts has become their

primary means for reclaiming their rightful position in the post-2000 state system. Most of the cases have been about preserving the 1997 Constitution, which was abrogated by the military in May 2000, and ensuring that the constitutional processes were followed. The Supreme Court has recently ruled that the 1997 Constitution was still valid and that the Labour Party has the right to be part of Cabinet as provided for by the constitution.

The legal challenges were appropriate in so far as asserting the supremacy of the constitution and rule of law was concerned. However, the court cases did not go down well with Fijian nationalists who saw it as a threat to their political interests. This has provoked further communal tensions and the risk of future instability. The political gulf between the two ethnic groups continues to widen despite the current government-sponsored national reconciliation program.

The national reconciliation program is run by the Ministry of National Reconciliation and supported by various civil society organisations. It involves staging programs in various parts of the country aimed at bringing people together in a spirit of unity. While the national reconciliation program has facilitated greater social interaction, more emphasis needs to be put on addressing some of the fundamental causes of the current conflict.

Legal and reconciliatory approaches have their own strengths and weaknesses. Their strengths need to be recognised and nurtured, while their weaknesses need to be addressed if progress is to be made. An obvious priority is to create the conditions for peace building.

In order to complement existing conflict resolution methods, this chapter proposes the use of *veisorosorovi*, a traditional Fijian practice used over the years as a means of peace building. It has proven to be an effective way of promoting goodwill, mutual understanding and social stability. In a situation of inter-ethnic conflict, it could be re-shaped, re-contextualized and deployed to promote good relations. It could then become an important alternative conflict resolution model for different communities in Fiji. Before discussing the notion of *veisorosorovi*, it is necessary to provide a brief overview of political conflict in Fiji.

Inter-ethnic conflict in Fiji

Inter-ethnic conflict in Fiji has to be understood at a number of levels. These include claims to legitimacy, institutionalised conflict, socio-economic distribution and cultural discourse. Each level is linked and, in some cases, they are inseparable. I will discuss them separately for the purpose of clarity.

Claims to legitimacy

The first category relates to different perceptions of legitimacy at the level of ideological discourse. This refers to the separate claims by Fijians and Indo-Fijians about their legitimate place in Fiji. From the early days of the indenture labour system, Indo-Fijian claims to legitimacy have been based on their demand for a change in status from being an imported colonial labour force to being full and equal members of Fiji.¹ One of the ways in which this was done was through a demand for universal franchise, which they were finally accorded in 1929. This was followed by a demand for 'common roll' (cross-communal, one person-one vote) that was opposed by Fijian insistence on a 'communal roll' (separate communal votes). The Fijian position was designed to protect their communal interest against what they saw as an emerging 'Indian threat' to their claim to primordial legitimacy in Fiji. Indo-Fijian claims to legitimacy are linked to recognition of their Fiji birthright and their demand for equal rights with Fijians in all aspects of social, economic and political life. Their claims have been consistently opposed by Fijian nationalism, most dramatically in the form of the 1987 military coups and 2000 putsch.²

On the other hand, Fijian claims to legitimacy are based on the *Taukei* (indigenous) primordial rights, as opposed to what they see as the *vulagi* (visitor) rights of Indo-Fijians. This is encapsulated in the political dictum *paramouncy of Fijian interest*. Originating in the early twentieth century, this concept refers to the provision of preferential treatment and special privileges for Fijians by virtue of their indigenous status. The notion of paramouncy of Fijian interest has been the basis on which various Fijian institutions such as the Great Council of Chiefs, Fijian Affairs Board, Native Land Trust Board and others

seek to legitimate their existence. It has also been the basis for ethno-nationalist mobilisation and the ideological thrust of many Fijian political parties claiming to represent Fijian rights.³

These two opposing sets of claims to legitimacy continue to shape and define the trajectory and evolution of segregationist communal politics in Fiji. Various other issues such as land, affirmative action and political representation are continually defined in the light of these opposing claims.

Institutionalised conflict

The second level of conflict refers to the institutionalisation and instrumentalisation of ethnic segregation in the form of state institutions, political parties, constitutions and government policies. Institutionalised separation legitimises communal conflict and promotes a culture of ethnic suspicion. Consequently, separation is seen as part of the natural order of things.

Central to British colonial rule was the formal separation of ethnic groups. Under the Native Regulations, Fijians were largely locked into the subsistence sector under the tutelage of a number of institutions such as the Great Council of Chiefs and the Fijian Affairs Board. These institutions, while officially representing the political and cultural interests of Fijians, also symbolise the politics of suspicion and tension, which underpins Fijian-Indo-Fijian political relations.

Institutionalised segregation also extends to political parties whose membership is largely ethnic in nature. Political parties in Fiji are based on ethnic mobilisation. As such, they ensure that economic and social issues assume ethnic forms through political discussions and that voting during elections adopts a fundamentally ethnic line. This serves to heighten political tension. The ethnic character of political parties is a direct response to the communal requirements of the constitutions since independence. All the constitutions in Fiji, from the colonial days to the three post-independence constitutions of 1970, 1990 and 1997, have contained elements of deliberate communal engineering through separate representation.

Moreover, institutionalised ethnic discourse helps to crystallise and legitimise tension in a dynamic way. It provides

the means by which separate identities are formally defined and reproduced.⁴

Socio-economic distribution

The third level of conflict has to be understood in relation to socio-economic distribution. It relates to the question of development, land use and ownership, distribution of resources and perceptions in relation to these. This is perhaps one of the most difficult aspects because it involves a complex interplay between class and ethnicity, and how one is used to define and shape the other.⁵

Fijians generally feel a sense of socio-economic disadvantage in relation to other ethnic groups, coupled with a feeling of inferiority in terms of educational achievement. This has been a major cause for nationalist grievances over the years, as well as one of the reasons for the controversial non-renewal of many of the leases under the *Agriculture and Landlord Tenancy Act* (ALTA). On the other hand, many Indo-Fijians need land for their basic sustenance and the non-renewal of ALTA leases means that they become economically marginalised with little or no economic prospects.

Over the years certain affirmative action policies designed to address the socio-economic disparity have been implemented. Despite these, there is still a general feeling of economic marginality amongst Fijians. Since 1987 affirmative action policies have mainly benefited middle-class Fijians with links to the state bureaucracy.⁶

The failure of past Fijian governments to deal effectively with this socio-economic situation continues to invoke nationalist grievances and has become a major contributor to current political tensions. Rising poverty will continue to be a major source of frustration and conflict, particularly when ethnicised by political leaders.⁷

Inter-cultural discourse

The fourth level of conflict is at the realm of cultural discourse. This refers to communal relations involving perceptions and attitudes and how these are articulated in everyday experience. Inter-cultural perceptions take the form of stereotypes and ethnic prejudices both in the public and private domain.

Stereotypes are linked directly to claims to legitimacy and socio-economic differences. For instance, Fijians stereotype Indo-Fijians as 'selfish' and 'cunning'. These perceptions are derived from the political demands of, and competition from, Indo-Fijians, as well as their perceived commercial success. On the other hand, Indo-Fijians stereotype Fijians as 'lazy' and 'stupid', a response to the latter's apparent lack of interest in commerce and reluctance to exert themselves.⁸

Stereotypes shape public communal discourse and drive ethnic prejudice at the private level. Ethnic prejudice becomes operationalised in government policies, media coverage, academic writings and even advertisements.

Ethnic conflict and the syncretic syndrome

The four modes of conflict outlined above have come to occupy the mainstream of Fiji's modern political culture and are accepted by many as the 'normal' dynamics of inter-communal relations. However, these conflicts can also be addressed creatively through a systematic search for and accommodation of the positive forces that exist in any conflict situation. This is what I refer to as the 'syncretic syndrome'.

I use the term syncretic syndrome to refer to the complex interplay between oppositional and accommodating forces in a given political situation. Understanding the nature of these seemingly opposing forces provides us with an insight into the potential for peaceful resolution. In many ways, solutions to conflict can be found within the conflict itself. The *veisorosorovi* model, which will be dealt with later, is an example of how this might happen.

Understanding the relationship between two forces in a syncretic situation entails identifying both the 'positive' and 'negative' aspects of this relationship. While at one level two forces may be in conflict, there may be accommodation and facilitation between them at another. The two exist side-by-side in a dynamic process of mutual engagement. For example, negative stereotypes between Fijians and Indo-Fijians also have their positive sides. While many Fijians may perceive Indo-

Fijians as 'selfish' and 'cunning', they also see them as hard-working and thrifty. Over the years Fijians have used Indo-Fijian success in education and commerce as a 'model' to emulate for their own advancement. Many Fijian parents send their children to Indo-Fijian schools in the hope that Indo-Fijian success will rub off on to their children. On the other hand, while many Indo-Fijians perceive Fijians as 'lazy' and 'stupid', they also see them as friendly and generous people. Indo-Fijians think highly of these virtues and over the years have absorbed much of the Fijian culture of 'sharing and caring'.

Another example is the way the chiefly system operates. The chiefly system has often been used as a means of mobilising, as well as legitimating, Fijian nationalism against the perceived Indo-Fijian political threat. However, on other occasions it has been used as a powerful instrument of peace-making. The chiefly system has helped restrain Fijian ethno-nationalism in the past and maintain stability at times of political turmoil.⁹

These examples show that within these institutions and daily cultural practices there are aspects that can provide the basis for peace-building. The syncretic syndrome can inform the development of restorative justice and the mobilisation of appropriate cultural practices as a means of re-building conflict-ridden communities.

Restorative justice through customary socio-cultural mechanisms

People in Fiji have tended to view legal institutions, such as courts, as the principal means of addressing various types of conflict. This is due to two historical reasons. Firstly, after becoming a colony in 1874, the Fijian socio-political system was re-structured to conform to the British framework of governance. The British justice system was central to this process. Under the Native Regulations, rigid rules and legal sanctions guided communal relations among Fijians from the provincial to the village level. For instance, redress for land disputes became the responsibility of the Native Land Commission. There was an implicit assumption based on the social Darwinian theory that

the 'dying' Fijian race needed to be protected and nurtured until they became self-sustaining.¹⁰ Traditional institutions had to be preserved under the auspices of protective colonial legislation and the British justice system. Among the consequences of this paternalistic native policy was an over-reliance on formal institutions for regulating social relations and the subordination of customary means of conflict resolution.

Secondly, Fiji's ethnically heterogeneous population meant that culturally 'neutral' means of redress had to be used. The British justice system appeared to be the most appropriate option. This strategy, in turn, served to undermine customary means of peace-building.

Despite the official supremacy of the British justice system, customary practices of conflict resolution have continued at the community level. Many of these have been successful in maintaining communal coherence and good relations. They are practised mainly at a communal level, involving entire kinship groups although the dispute may have originated between two individuals. The cultural logic is that individuals are part of a larger socio-communal setting and that the whole group needs to be involved in repairing social fractures and rehabilitating those individuals concerned. The group becomes the guarantor for community peace and ensures that fractious individuals conform to collective expectations.

In the Fijian language, community peace building translates roughly as *veisaututaki* and conflict resolution as *veivakameautaki*. One of the means by which these are achieved is *veisorosorovi*.

The *Veisorosorovi* (VSS) Model

VSS provides a possible model for the design of a restorative approach to inter-community peace building in Fiji. The term *veisorosorovi* comes from the word *soro*, meaning to humble oneself, surrender or ask for forgiveness while admitting fault. It is most commonly used as a means of redressing conflict between two parties and involves the interplay between socio-cultural and psychological factors. These are examined below.

The Ceremonial setting

The VSS involves two sides coming together in an atmosphere of mutual trust and respect and making presentations to each other. This entails elaborate ceremonial procedures using *tabua* (whale's tooth), *yaqona* (kava), and esoteric formal language. The ceremony becomes the point of convergence and site for social and political engagement. It is a reciprocal process involving presentation and receiving on the part of both parties to the conflict and is designed to symbolically bridge the gap that previously separated them.

The act of presentation (*vakacabori*) represents humility, admission of fault and a request for forgiveness. The act of receiving (*ciqoma*) represents acceptance of the apology, forgiveness and a readiness to re-build a new relationship. It is a process that subsumes individual interest to communal well-being and one that seeks to create a sacred and enduring kinship link (*veiwekani*) between the two groups. Any person who breaks this bond runs the risk of being punished by the *mana* of the *vanua* (or ancestral spirits). To Fijians, ceremonies are important because they symbolize sacredness and a link to the cosmological world. Newly forged relationships resulting from such a process are blessed by the divine order, as well as being guaranteed and reinforced by collective responsibility.

Below I elaborate briefly on some important aspects of VSS.

Admission of mistakes

VSS entails the admission of mistakes by the *daucakacala* (wrongdoer). An act of wrongdoing can be either *vakacalaka* (accidental) or *nakiti* (consciously carried out). The term *vakacalaka* is sometimes used as a euphemism to lighten the impact of an incident and to give a human face to the wrongdoer. It is both an admission of guilt and an expression of remorse that as a *tamata ga* (ordinary human) things can and do occasionally go wrong.

Forgiveness

An admission of mistake is followed by request for *veivosoti* (forgiveness). Sometimes these take place simultaneously within

the realm of the ceremonial discourse. The collective pronoun *keitou* (we) will be used, even if a single person committed the wrongdoing. For example, if a boy elopes with a girl from another tribe, the boy's elders would ask for forgiveness using words like '*Vosota saka na neitou cala*', roughly translated as 'Please forgive *us* for our wrongdoing'. The action of an individual becomes the responsibility of the whole clan, thus the term *neitou* or '*us*'. The significance of this has three aspects. Firstly, it is a form of social and psychological therapy for the individual who is thereby relieved of sole responsibility and guilt. Secondly, it is a form of enhancing collective identity and kinship solidarity. The language of the ceremony consistently emphasises kinship links, whether biological or otherwise, in order to diminish the stigma and significance of the wrongdoing. Thirdly, it helps to transform the relationship between parties to a conflict. Differences and tensions between the contending parties are transformed instantaneously into a relationship of mutual trust.

Reciprocal engagement

VSS is a reciprocal process. The offending side presents their case by admitting mistakes and asking for forgiveness, while the offended party is obliged by custom to reciprocate in an equally humble and conciliatory way. This reciprocity helps to bridge the gulf between the two sides and creates a bond that unites the participants in a mutually engaging way.

All Fijian ceremonies involve reciprocal presentations reflecting the social dialectics that cement collective relationships. Reciprocity promotes transparency and accountability between parties. It allows people to read each other's collective sentiments and communal psyche.

Pre-emptive approach

VSS is also a form of pre-emptive engagement that seeks to avoid further repercussions that could worsen relations. For instance, if a person is hurt in a fight, the relatives of the offender will quickly present their VSS to the relatives of the offended in order to neutralize any animosity or acts of revenge.

Trust and expectations

An important pre-condition for VSS is collective trust and heightened expectations. Both parties expect trust from each other, trust in a consensual resolution and trust in the openness and honesty of the other party. Each side engages in colourful ceremonial verbosity in order to express their inner feelings and as a way of dispelling any doubts about their genuine desire for reconciliation and friendship.

The emotions of the private domain are expressed with eloquence and conviction in the public domain through these ceremonies. The line between the private and the public becomes blurred and each party is able to see the intention of the other. This is the stage of convergence, where each side can see that the motives of the other party are similar to their own. In effect, the two sides become one. Having dispensed with the formalities, informality takes over. This is the point where the informal chatter, joking, *yaqona* drinking, and singing begins, and often continues until the early hours of the following morning. Through the ceremonial discourse, differences are put on the table for collective scrutiny and then 'buried' in an atmosphere of openness and trust. Both groups agree to be the guardians of future peace.

Transforming and crystallizing collective relations

The VSS transforms a situation of conflict into one of peace. After VSS, former adversaries become close friends and part of a single enlarged group. The group boundary expands and incorporates new members. Old social boundaries are transformed and new ones created. This is a dynamic process with the potential for forging a culture of peace between two communities.

Some shortcomings of VSS

While there is consensus amongst Fijians about the effectiveness of VSS in resolving conflict, it does, however, have a major limitation. It can be abused by some individuals as a way of escaping legal prosecution for serious crimes such as rape and murder. There is, however, a growing understanding that legal justice and VSS can play separate but complementary roles.

VSS tends to be more effective in addressing conflicts between groups than those between individuals. For instance, in cases where there are individual victims who have suffered physically and psychologically (such as rape victims), shifting responsibility from the offender to the kin-group can undermine the individual rights of the victim for personal redress or compensation. The individual victim might continue to suffer despite the good relations forged at the collective level.

Despite these limitations, the VSS model provides some important lessons for Fiji as a communal mechanism for peace building within and between groups. These are explored in the next section.

Re-contextualizing the VSS model for inter-communal peace building in Fiji

The basic principles behind VSS (admission of mistakes, forgiveness, reciprocity, pre-emptive engagement, trust with expectations and social transformation) have for hundreds of years helped resolve conflict within the Fijian community. They continue to do so, despite the existence of legal means of redress. They have been proven to work in particular circumstances and contexts. These same principles can be re-designed and used as a basis for conflict resolution at the national level. In doing so, a number of practical suggestions can be made.

Firstly, greater recognition should be given to these principles and their significance. Part of the challenge is to convince other ethnic groups that the VSS model has something to offer and could be applied cross-culturally. It is equally important to examine peace building mechanisms within the Indo-Fijian and other cultures and explore ways in which these might complement the VSS model. This is to ensure a cross-cultural synthesis of peace building mechanisms as a way of providing assurance and a sense of 'ownership' for different ethnic groups. The VSS model should be 'negotiated' rather than imposed in order for it to work in such a context.

The VSS model can be tailored to suit new circumstances but this requires a critical and selective process if

it is to work in a cross-cultural context. This is likely to present greater challenges to non-Fijians and adjusting to a new cultural mode may be difficult at first. It will be less difficult, however, if the general principles are understood and if everyone shares the same aspirations and optimism about national peace building. The process of synthesizing cross-cultural means of conflict resolution is in itself a process of inter-cultural engagement. In this way the means becomes an important end.

Secondly, it must be borne in mind that the VSS model is primarily for communal conflict resolution rather than for conflict between individuals. It could be used for both inter- and intracommunal conflict resolution at different levels of society from local to regional levels. Local and grassroots peace building can have a significant impact on national socio-political relations.

Thirdly, because the VSS model deals with transforming relationships, it could be useful for addressing aspects of the three levels of conflict relating to questions of legitimacy, institutionalized conflict and cultural discourse. A strategic approach would involve groups and organisations that are already engaged in the peace building process. It is also important to identify and incorporate influential community actors and the accommodating aspects of the various local cultures.

Fourthly, the VSS model is largely for addressing fractured relationships and may be less effective in dealing with the deeper roots of some problems such as socio-economic distribution. In this case, the VSS model could be used as a supplementary process to complement re-distributive strategies such as affirmative action.

Conclusion

Mobilising aspects of local culture as means of addressing conflict is an important dimension of restorative justice. In a culturally pluralistic society like Fiji, this becomes more complex because of the need for a cross-cultural consensus on the most appropriate mechanisms of conflict resolution. To this end, I have suggested the use of the VSS model, as refined and adapted in creative ways to be acceptable to all concerned.

The principles behind the VSS model are based on humility, respect and the transformation of social relations. This could be a perfect supplement to other forms of peace building and conflict resolution. Meanwhile it is still important to address the root causes of the conflict.

Fiji's current problems are complex and deep-rooted. Solutions need to be understandable to those involved or affected, as well as being cross-culturally acceptable. While the VSS model is originally Fijian, its principles are universal and encompassing and have the potential to work wonders in a situation of protracted communal tension.

There is certainly no harm in a little cross-cultural experiment here. After all the VSS model has worked effectively for hundreds of years and remains as a central component of customary conflict resolution practices in Fijian communities today. While legality remains the dominant mode of addressing conflicts and infractions in the modern world, it fails to address the question of fractured relationships and thereby the challenge of stability and inter-communal peace. Creative approaches are now needed more than ever and the VSS has the potential to offer a way forward.

Endnotes

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